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4800.00.00 BURIAL ASSISTANCE (C, MED 1)

This chapter includes policy and procedures on the following:

Estate of the Deceased (Section 4805);

Maximum Payments for Burial Expenses (Section 4810);

Submission of Burial Claims to Local Office (Section 4815);

Consideration of Burial Claims by Local Office (Section 4820);

Verification by Central Office of Burial Contributions (Section 4825);

Available Death Benefits (Section 4830); and

Footnotes for Chapter 4800 (Section 4899).

Burial Assistance is available for deceased TANF recipients. Payment is made by the Local Office of the Division of Family and Children. The State reimbursement is 60% of the amount expended by the Local Office.

Burial Assistance is also available to recipients in the Medicaid Aged, Blind, and Disabled categories (MA A, MA B, and MA D) who die on or after 7-1-99. It is 100% state funded. Recipients in any other Medicaid category are not eligible for burial assistance.

Burial Assistance is available regardless of where the recipient's death occurs or whether the funeral and interment takes place in Indiana or elsewhere.

Burial Assistance is available for an individual who was receiving TANF cash benefits, or Medicaid for the Aged, Blind or Disabled at the time of death, or who applied for benefits prior to his death and was subsequently determined eligible. (f1)

4805.00.00 ESTATE OF THE DECEASED (C, MED 1)

The estate consists of all assets, including both real and personal property, owned by the deceased recipient. An estate need not be established by formal legal proceedings.

However, the value of the estate must be established by the Local Office and a determination made of the total amount payable for burial expenses. The total value of the real and personal property must be considered, but the Local Office will not sell such property since this exceeds its legal authority.

If it is determined that the estate can make full or partial payment, the funeral director and/or cemetery representative are to be advised that they should file a claim against the estate.

In those cases where the funeral director and/or cemetery representative file a claim against the estate and it is later discovered that the estate is insufficient to pay for these expenses, the claim may be submitted to the Local Office for consideration of payment.

4805.05.00 RESOURCES OF THE DECEASED (C, MED 1)

The resources of the deceased recipient, such as a burial trust, bank account, or personal funds remaining on account in a nursing home, shall be used to meet burial expenses. The funeral director and/or cemetery representative must obtain these funds as payment for burial expenses in accordance with Indiana Probate Code (IC 29-1-1 et seq.).

If the deceased recipient was institutionalized, the facility must submit Form 32, Inventory of Resources and Personal Property of Deceased Medicaid Recipient, to the Local Office. This form will be used to determine the resources available to cover burial.

Nursing home administrators should be guided by their own legal counsel regarding the disposition of deceased residents' resources. The Local Office will not offer advice in this area.

4810.00.00 MAXIMUM PAYMENTS FOR BURIAL EXPENSES (C, MED 1)

The maximum allowable burial assistance payments are \$600 for the funeral director's expenses and \$400 for cemetery expenses, for a total of \$1,000. The age of the deceased is not a factor in the amount of any payment.

4810.05.00 PAYMENT FOR FUNERAL DIRECTOR'S EXPENSES (C, MED 1)

If there are no other resources, payment not to exceed \$600 (including sales tax) will be paid to meet the expenses of the funeral director.(f2)

The funeral director's expenses include:

reasonable expenses connected with preparation of the body, including cremation;

purchase of necessary clothing;

purchase of a casket;

funeral services;

transportation of the body; and

professional services of the funeral director.

4810.05.05 Computation of Funeral Director's Payment (C, MED 1)

Relatives and/or friends may contribute as much as they wish toward the funeral expenses of the deceased recipient. However, all contributions and the resources of the deceased must be considered when determining the amount, if any, of the funeral expenses to be paid by the Local Office.

An amount of \$750 in contributions and resources is exempted in the computation of the amount of the payment to the funeral director. (f3) Contributions and payments made from the estate of the deceased recipient in excess of the \$750 exclusion are subtracted from the statutory maximum of \$600. The balance of the funeral director's unpaid expenses, up to the statutory maximum of \$600, will be paid.

4810.05.05.05 Contributions/Resources Of \$1350 Or More (C, MED 1)

If all contributions plus the resources of the deceased total \$1,350 or more, none of the funeral director's expenses will be paid.

4810.05.05.10 Contributions/Resources Of \$750 To \$1350 (C, MED 1)

If all contributions plus the resources of the deceased exceed \$750, but are less than \$1,350, the \$600 maximum payment from state funds to the funeral director will be reduced dollar for dollar by the amount in excess of \$750. The funeral director will be paid up to \$600 or the amount of his unpaid expenses, whichever is less.

EXAMPLE 1:

Contributions = \$850 Funeral Expenses = \$1400

\$850 - \$750 (exclusion) = \$100

\$600 (maximum payment) - \$100 = \$500

Payment to Funeral Director = \$500

EXAMPLE 2:

Contributions = \$850 Funeral Expenses = \$1000 -
\$850 paid = \$150 still owed

\$850 - \$750 (exclusion) = \$100

\$600 (maximum payment) - \$100 = \$500

Payment to Funeral Director = \$150

(Unpaid balance of funeral expenses.)

4810.05.05.15 Contributions/Resources Of \$750 Or Less (C, MED 1)

If all contributions plus the resources of the deceased total \$750 or less, the funeral director's payment will be \$600 or the amount of his unpaid expenses, whichever is less.

EXAMPLE 1:

Resources = \$750 Funeral Expenses = \$1200 - \$750
paid = \$450 still owed

\$750 - \$750 (exclusion) = \$0

Payment to Funeral Director = \$450

(Unpaid balance of expenses.)

EXAMPLE 2:

Contributions = \$500 Funeral Expenses = \$1500

\$500 - \$750 (exclusion) = \$0

Payment to Funeral Director = \$600 (Maximum)

4810.10.00 PAYMENT FOR CEMETERY EXPENSES (C, MED 1)

Cemetery expenses include all expenses connected with the interment of the body or remains in a cemetery, such as:

purchase of a burial plot;

opening and closing the grave;

purchase of a cemetery vault;

purchase of a special wooden box or concrete slab when required by cemetery authorities;

the cost of renting a lowering device; and

tent and artificial grass, if required by cemetery authorities.

A monument or headstone is not considered a cemetery expense.

If there are no other resources, payment not to exceed \$400 shall be paid to meet the cemetery expenses.(f4)

4810.10.05 Computation of Cemetery Payment (C, MED 1)

Relatives and/or friends may contribute as much as they wish toward the cemetery expenses of the deceased recipient. However, all contributions and the resources of the deceased must be considered when determining the amount, if any, of the funeral expenses to be paid.

An amount of \$200 in contributions and resources is exempted in the computation of the amount of the payment to the cemetery.(f5) Contributions and payments made from the estate of the deceased recipient in excess of the \$200 exclusion are subtracted from the statutory maximum of \$400. The balance of the cemetery's unpaid expenses, up to the statutory maximum of \$400, will be paid.

4810.10.05.05 Contributions/Resources Of \$600 Or More (C, MED 1)

If all contributions plus the resources of the deceased total \$600 or more, the cemetery representative's expenses will not be paid.

4810.10.05.10 Contribution/Resources Of \$200 To \$600 (C, MED 1)

If all contributions plus the resources of the deceased exceed \$200 but are less than \$600, the \$400 maximum payment from state funds to the cemetery will be reduced dollar for dollar by the amount in excess of \$200. The cemetery representative's payment will be up to \$400 or the amount of his unpaid expenses, whichever is less.

EXAMPLE 1:

Contributions = \$300 Cemetery Expenses = \$600

\$300 - \$200 (exclusion) = \$100

\$400 (maximum) - \$100 = \$300 payment to cemetery

4810.10.05.15 Contributions/Resources Of \$200 Or Less (C, MED 1)

If all contributions plus the resources of the deceased total \$200 or less, the cemetery representative's payment will be \$400 or the amount of his unpaid expenses, whichever is less.

EXAMPLE 1:

Resources = \$100 Cemetery Expenses = \$900

\$100 - \$200 (exclusion) = \$0

Payment to cemetery = \$400 (maximum)

**4815.00.00 SUBMISSION OF BURIAL CLAIMS TO LOCAL OFFICE
(C, MED 1)**

Except as provided in Subsection 4815.05.00, the funeral director and the cemetery representative are to file separately for payment of the deceased recipient's burial expenses.^(f6) The form used for this purpose is Form FM0033A Application and Claim for Funds to Defray Burial Costs (Assistance to Families With Dependent Children Recipients), or DFC Form 33, Application and Claim for Funds to Defray Burial Costs for State Supplemental and Medicaid recipients.

When a determination has been made by the Local Office that the estate of the deceased recipient could make full or partial payment for burial expenses, the claimant must attach documentation to the claim to substantiate that the estate was insufficient to pay the burial expenses.

**4815.05.00 SUBMISSION OF CEMETERY CLAIM BY FUNERAL
DIRECTOR (C, MED 1)**

A funeral director may file and receive payment for cemetery expenses if he attaches proof to the claim that:

he is the cemetery representative; or
he has been designated such by the cemetery representative.

In addition, the funeral director must attach a receipt for the cemetery expenses to the claim form. If there was no charge for opening and closing the grave, a notation to this effect must be entered on the claim by the funeral director. If the funeral director is designated as the cemetery representative, cemetery claims submitted by any other party will not be paid.

4820.00.00 CONSIDERATION OF BURIAL CLAIMS BY LOCAL OFFICE (C, MED 1)

The payment of funeral and cemetery expenses is based upon the charges for burial expenses, the existence of other funds to meet such expenses, and the legal maximum payments from public funds. The Local Office is to investigate the resources of the deceased recipient and record a summary of the findings and any additional pertinent information on the reverse side of the burial claim form. The amounts paid by all other sources toward burial expenses must be verified by the Local Office before a recommendation for payment is made.

If the Local Office determines that payments made toward burial expenses are insufficient to cover the costs, and payment of the claim is to be approved by the Local Office, the Director of the Local Office shall:

Certify that Form FM0033A or DFC Form 33 is in proper form and that the amount being recommended for payment is correct based on information submitted by the funeral director or the cemetery representative;

sign the form; and

file copies in the deceased recipient's case record.

4825.00.00 VERIFICATION BY LOCAL OFFICE OF BURIAL CONTRIBUTIONS (C, MED 1)

In the event inaccurate information was recorded on the funeral and/or cemetery claim regarding the amount of the individual contribution, the Local Office will follow up. If it is determined that there was collusion, misrepresentation, or apparent fraud on the part of the funeral director and/or the cemetery representative to obtain more payment, the Local Office will refer the case for prosecution.

4830.00.00 PAYMENT FOR BURIAL EXPENSES (C, MED 1)

Recommendations for payment of funeral and cemetery expenses of deceased recipients of Medicaid for the Aged, Blind, and Disabled are to be submitted for payment to FSSA Financial Management, PO Box 7128, County Reimbursement, Indianapolis,

Indiana 46207-7128. Any business receiving payment from the Auditor of State must have a W-9, Request For Taxpayer Identification Number and Certification, on file in the State Auditor's office. If a business has never received payment through the State Auditor's office, a W-9 must be attached to each business' initial claim form. Remittance will be made directly to the claimant.

The payment for funeral and cemetery expenses for TANF recipients is the responsibility of the Local Office. After the Director of the Local Office has approved the claim as explained in section 4820.00.00, he enters the date the County Board approved the payment, signs the form, and files the original with the County Auditor for payment. Copies are filed in the deceased recipient's case record.

Once payment has been made by the County Auditor for the Local Office, Form FM0039, Claim for Reimbursement of Burial Expenses under Part III of The Welfare Act of 1936, is to be completed in triplicate with the Director's signature for reimbursement. The original is sent to FSSA Financial Management, PO Box 7128, County Reimbursement, Indianapolis, Indiana 46207-7128, the second copy is sent to the County Auditor and the third copy is retained in the Local Office.

Reimbursements of burial expenses are made to the Local Office by the State at 60% of the amount expended by the Local Office for TANF recipients.

4835.00.00 INSURANCE SETTLEMENTS (C, MED 1)

A surviving relative of a deceased recipient may be the beneficiary of a cash settlement from a life insurance policy on the deceased.

The insurance settlement is the income or resource of the surviving relative. However, if all or part of the insurance settlement is used to meet the burial expenses of the deceased recipient, the funds used for burial expenses are to be considered a contribution from a relative.

If the surviving relative is also an applicant or recipient, the insurance settlement may affect his eligibility depending on the program involved.

4899.00.00 FOOTNOTES FOR CHAPTER 4800

- (f1) 470 IAC 10.1-6-1; 405 IAC 2-4-1
- (f2) IC 12-14-6-1; IC 12-14-17-2
- (f3) 12-14-6-3; IC 12-14-17-4
- (f4) IC 12-14-6-2; IC 12-14-17-3
- (f5) IC 12-14-6-4; IC 12-14-17-5
- (f6) IC 12-14-6-5; IC 12-14-17-6